

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JEFFREY SOBERMAN PARKET,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/13/2023

22-cr-311 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On February 15, 2023, Defendant pled guilty to wire fraud in violation of 18 U.S.C. §§ 1343 and 2, and bank fraud in violation of 18 U.S.C. §§ 1344 and 2. [ECF No. 40.] On March 29, 2023, Defendant's ex-wife, Ms. Robyn Parket, filed a petition seeking a forfeiture hearing, asserting an interest in property subject to the Court's Preliminary Order of Forfeiture. [ECF No. 45.] After several adjournments, Defendant's sentencing was adjourned *sine die* until the Court resolved the dispute over the forfeited property. [ECF Nos. 67, 74.] On September 25, 2023, the Court entered a Stipulation and Order, resolving the respective interests of the Government and Ms. Parket in the property at issue. [ECF No. 84.] On October 6, 2023, the Court *sua sponte* adjourned the Defendant's sentencing to November 16, 2023. [ECF No. 86.]

This Court's Individual Rules of Practice provide that "[t]he government's sentencing submission shall be served on the defendant and e-mailed to Chambers **no later than one week before the date set for sentencing.**" Individual Rule of Practice in Criminal Cases 6.B. Moreover, on the record at the February 15, 2023 plea hearing, the Court reminded the parties that "the government's [sentencing] submission is due **one week before sentencing.**" *See* Transcript 54:22–23 [ECF No. 40 (emphasis added)].

The Government's sentencing submission was due on November 9, 2023. Notwithstanding the clear import of this Court's Individual Rules and the nearly ***nine months*** that the Government

had to prepare its sentencing submission since the plea hearing in this case, the Government failed to timely file its sentencing submission. The Government similarly failed to file a timely—or *any*—request for an extension of time to file its submission.

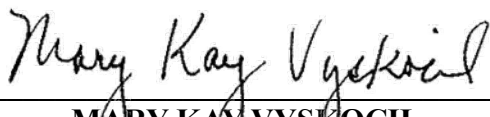
Instead, at 4:18 AM on November 13, 2023, **four days *after* the deadline for the Government to provide its submission**, counsel for the Government emailed Chambers to inform the Court that it would serve its submission at some point “today.” Nearly twelve hours later, at 2:22 PM, the Government served its sentencing submission. But alarmingly, **the submission is still incomplete**. Of note, the submission lacks a final list of victims and a proposed order of restitution.

In light of the Government’s **untimely and incomplete** submission, the Court simply cannot conduct a full and fair review of the relevant sentencing materials in advance of the November 16 sentencing date. Accordingly, it is HEREBY ORDERED that the sentencing scheduled for November 16, 2023 is ADJOURNED to **January 11, 2024 at 2:00 PM**.

Counsel for the Government is **strongly admonished** for its unprofessional conduct. At sentencing, counsel for the Government should be prepared to show cause for its untimely and incomplete submissions, and for its blatant failure to comply with the rules and explicit directives of this Court.

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received **at least 48 hours** before the deadline. **Failure to comply with this Order or any other Order or Rule of this Court may result in sanctions, including monetary penalties.**
SO ORDERED.

Date: November 13, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge